

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 3:05-759-JFA
)	
v.)	ORDER
)	
DEMETRIUS RENEE WALKER)	
)	
)	

This matter is before the court upon the defendant's third *pro se* motion under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u).

The defendant suggests that she is filing this new motion because a public defender has already filed a § 3582 motion on her behalf, without the benefit of consultation, and to her dissatisfaction. The government has responded in opposition to the motion.

A review of the record reveals that on August 8, 2010, the defendant filed a *pro se*, handwritten motion/letter seeking a reduction in her sentence under the "18 to 1 crack cocaine law." (ECF No. 1130). The court denied the motion finding that the Fair Sentencing Act of 2010 (FSA) is not retroactive to offenses occurring prior to August 3, 2010.

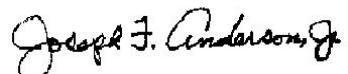
On December 21, 2011, the defendant filed another *pro se* motion under § 3582 (ECF No. 1180) which this court also denied, finding that the defendant was sentenced to the statutory mandatory minimum sentence of 240 months imprisonment for her conviction relating to crack cocaine, and that this court cannot alter the ultimate statutory floor of 20 years imprisonment set by Congress.

A review of the docket further reveals that the Public Defender has not filed any motion on the defendant's behalf seeking a reduction in her sentence. Thus, plaintiff's claim is belied by the record.

To the extent the defendant requests that this court reconsider its order denying her earlier § 3582 motion, such motion (ECF No. 1215) is denied for the reasons stated in this court's order of January 17, 2012.

IT IS SO ORDERED.

April 24, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge